


NO. 5:15-CV-634-FL

v. Burwell, 816 F.3d 48, 49 (4th Cir. 2016). Here, as in Cumberland, “[t]he issuance of a judicial order now . . . directing the Secretary to hear [plaintiff’s] claims in the middle of the administrative process, would unduly interfere with the process and, at a larger scale, the work of the political branches.” Id. at 50. Accordingly, plaintiff’s claims seeking writ of mandamus, order directing administrative action, and declaratory judgment, must be dismissed for lack of subject matter jurisdiction and for failure to state a claim.

CONCLUSION

Based on the foregoing, the court ADOPTS the M&R and GRANTS defendant’s motion to dismiss. Plaintiff’s action is DISMISSED WITH PREJUDICE for lack of subject matter jurisdiction and for failure to state a claim. The clerk is DIRECTED to close this case.

SO ORDERED, this the 27th day of February, 2017.


LOUISE W. FLANAGAN
United States District Judge